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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, DENIS
MOLINA, JHONY SILVA, MARIA ELENA
HERNANDEZ, O.C., SANDHYA LAMA,
S.K., TEOFILO MARTINEZ,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-05687

**EXPERT DECLARATION OF DANA
FRANK IN SUPPORT OF
PLAINTIFFS' MOTION TO POSTPONE
EFFECTIVE DATE OF AGENCY
ACTION**

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EXPERT DECLARATION OF DANA FRANK

1
2 1. I, Dana Frank, am Research Professor and Professor of History Emerita at the University of
3 California, Santa Cruz. If called to testify, I could and would do so as follows:

4 2. I have been asked to provide an expert opinion on the impact of terminating Temporary
5 Protection Status for Hondurans. I make this declaration based on my personal and professional
6 knowledge, my skill, experience, training, and education, and facts and data regularly relied on in
7 my field that are currently available to me. If additional information becomes available, or if I
8 believe it would be appropriate to respond to any critique or contrary theories, I will advise
9 Plaintiffs' counsel that I intend to do so and will seek their help in following the appropriate judicial
10 procedures. The opinions in this declaration are my own.
11

12 **I. Personal Qualifications**

13 3. I am Research Professor and Professor Emerita at the University of California, Santa Cruz. I
14 received my B.A. from the University of California, Santa Cruz, and my M.A., M.Phil., and Ph.D.
15 from Yale University. I have researched modern and contemporary Honduras for twenty-four years,
16 beginning in 2001. Since the June 2009 military coup in Honduras I have researched the country's
17 government, corruption and human rights violations by the police and military, the relationship
18 between criminal actors and state security forces and top officials in the government, militarization,
19 labor dynamics, and other issues.
20

21 4. I have published articles on human rights, U.S. policy, labor issues, security issues, and the
22 current situation in Honduras in publications including the *New York Times*, *Foreign Affairs*, *World*
23 *Policy Review*, *Foreign Policy*, *Politico Magazine*, *Miami Herald*, *Los Angeles Times*, *Houston*
24 *Chronicle*, *San Francisco Chronicle*, *The Nation*, *Huffington Post*, and many other outlets. I have
25 been interviewed by the *Washington Post*, *New York Times*, *Associated Press*, *New Yorker*, *Christian*
26
27
28

1 *Science Monitor*, National Public Radio, Univision, BBC World News, NBC.com, Democracy
2 Now!, and others.

3 5. I am the author of *The Long Honduran Night: Resistance, Terror, and the United States in the*
4 *Aftermath of the Coup* (2018), about which I was interviewed in *Harper's Magazine*. The book was
5 subsequently translated and published in Spanish in Honduras and the United States as *La Larga*
6 *Noche Hondureña: Violencia, Resistencia, y los Estados Unidos Después del Golpe de Estado*
7 (2022). Based on extensive research, it is the only English-language overview of human rights,
8 repression, the destruction of the rule of law, corruption, and US policy in post-coup Honduras. My
9 six other books include *Bananeras: Women Transforming the Banana Unions of Latin America*
10 (which focuses on Honduras); *Buy American: The Untold Story of Economic Nationalism*.
11

12 6. I have testified about human rights, U.S. policy, and the security crisis in Honduras before
13 the Tom Lantos Commission on Human Rights of the United States House of Representatives, the
14 Committee on the Judiciary of the California Assembly, and the Canadian Parliament. I have also
15 organized and chaired a briefing on Honduras in the U.S. House of Representatives.
16

17 7. In March 2024 I attended the trial in the Southern District of New York of former Honduran
18 President Juan Orlando Hernández, convicted on drug and arms trafficking and money laundering
19 charges. I was interviewed by the Associated Press, *Washington Post*, National Public Radio,
20 Democracy Now!, and many other outlets, including multiple Honduran television and radio
21 stations.
22

23 8. I travel regularly to Honduras, where I interview a broad range of actors including human
24 rights defenders, journalists, members of the judiciary, former police inspectors, government
25 officials, members of congress, former government officials, labor and small farmer activists, faith-
26 based leaders, and many others. I follow five Honduran newspapers and English-language coverage
27 of Honduras daily, and closely follow reports and missives from Honduran and international human
28

1 rights groups, the United States Department of State, the Government of Honduras, the United
2 Nations, the Inter-American Commission on Human Rights of the Organization of American States,
3 and other bodies. I travel to Washington, D.C. regularly, where I have met regularly with the
4 Department of State and continue to meet with offices in the United States Congress, including
5 leadership, and to provide information and analysis. Between 2011 and 2021, I met with over sixty
6 offices in Congress, many of them regularly. I am in regular and close contact with non-
7 governmental and faith-based organizations that deal with Honduras.
8

9 **II. Impact of Termination of Temporary Protection Status for Honduras**

10
11 9. Honduran TPS holders have lived in the US since 1999. They have built stable lives,
12 acquiring job skills, small businesses, and contributing taxes and social security payments. TPS
13 holders returning to Honduras would find few, if any, opportunities for economic survival. They
14 would in many cases lack social connections, knowledge of jobs and business opportunities,
15 knowledge of the rules and practices of employment, and other basic information necessary to
16 compete within the country. Job skills would not necessarily be transferable. In some cases, their
17 Spanish could be inadequate, especially those who moved to the United States as children. If they
18 did succeed in finding work or employment possibilities, doing so could displace already-desperate
19 resident Hondurans. Small businesses would be subject to gang extortion, limiting their survival
20 possibilities.
21

22 10. Termination of TPS would lead to widespread, and devastating family separations, tearing
23 apart those who returned from their U.S.-citizen children, grandchildren, and extended families.
24 Families would face wrenching choices. Family economic strategies, including child care, elder care,
25 and reciprocal obligations of many sorts would be ripped apart, producing further poverty within the
26 U.S.
27
28

1 11. Remittances from Hondurans abroad play an enormous, and growing role in the Honduran
2 economy. In 2024 they accounted for over twenty-five percent of the country's GDP. They totaled
3 1,055.07 million dollars in May, 2025, an increase from 983.08 million dollars a year before.
4 Remittances continue to rise rapidly in the first half of 2025. Trading Econ., *Honduras Remittances*,
5 TradingEconomics.com, <https://tradingeconomics.com/honduras/remittances> (last visited June 30,
6 2025).
7

8 12. The removal of remittances from TPS holders would cause extreme damage to the Honduran
9 economy, both at the level of the households who receive the funds, and at the level of the national
10 economy. Remittances contributed to higher household savings rates, and make possible educational,
11 business, and homeownership opportunities.
12

13 **III. Current Conditions in Honduras**

14 13. Honduras remains a deeply impoverished country with a high poverty rate and low rates of
15 formal employment. It is still marked by deep corruption, including criminal gangs and drug
16 traffickers, a corrupt police and military, and the diminution of the rule of law. Both the agricultural
17 sector and urban areas are at extreme risk of climate change. If TPS holders returned, they would
18 find few, if any, economic opportunities, and a daily life that is increasingly precarious for the vast
19 majority of current residents.
20

21 14. After a 2009 military coup that deposed democratically-elected President Manuel Zelaya,
22 Honduras degenerated rapidly on multiple fronts, including the rule of law. The coup itself was a
23 criminal act involving the complicity and support of the Honduran military, its Supreme Court, and
24 the majority of the Honduran Congress. It threw open the doors to vast criminality and a near-
25 complete breakdown of the rule of law in the decade that followed. As the *New York Times*, the
26 Associated Press, the United Nations, and many others have documented, drug traffickers, organized
27 crime, gangs, and others criminal actors proliferated in this context. For many years, Honduras
28

1 boasted one of the highest murder rates in the world, according to the United Nations. Much of this
2 crime was attributable to drug traffickers, gangs, and state security forces. (Dana Frank, *The Long*
3 *Honduran Night: Resistance, Terror, and the United States in the Aftermath of the Coup*, Beacon
4 Press, 2018.)

5
6 15. Under the presidency of Juan Orlando Hernández, 2018-2021, governmental corruption was
7 rampant. Congressmembers routinely accepted bribes and kickbacks, and were given government
8 agencies to personally rob blind. In the spring of 2015, documents were revealed establishing that as
9 much as \$90 million had been siphoned off from the National Health Service and into the political
10 campaign of Hernández and his party, helping bankrupt the health service and leading to thousands
11 of deaths. (Frank, *The Long Honduran Night*.)

12
13 16. In 2021, President Hernández was extradited to the United States and, in 2024, tried and
14 convicted in the Southern District of New York of drug and arms trafficking and money laundering
15 charges, and sentenced to 45 years in prison. (Press Release, U.S. Dep't of Just., *Juan Orlando*
16 *Hernandez, Former President of Honduras, Sentenced to 45 Years in Prison for Conspiring to*
17 *Import Cocaine into the United States and Possessing and Brandishing Machineguns* (June 26,
18 2024), [https://www.justice.gov/archives/opa/pr/juan-orlando-hernandez-former-president-honduras-](https://www.justice.gov/archives/opa/pr/juan-orlando-hernandez-former-president-honduras-sentenced-45-years-prison-conspiring)
19 [sentenced-45-years-prison-conspiring](https://www.justice.gov/archives/opa/pr/juan-orlando-hernandez-former-president-honduras-sentenced-45-years-prison-conspiring)). His brother, former Congressman Tony Hernández, was
20 tried in the Southern District of New York in 2018 and convicted on similar charges. (Press Release,
21 U.S. Att'y's Office for the S. Dist. of N.Y., *Former Honduran Congressman Tony Hernández*
22 *Sentenced to Life in Prison and Ordered to Forfeit \$138.5 Million for Distributing 185 Tons of*
23 *Cocaine and Possessing Machineguns* (Mar. 30, 2021), [https://www.justice.gov/usao-](https://www.justice.gov/usao-sdny/pr/former-honduran-congressman-tony-hernandez-sentenced-life-prison-and-ordered-forfeit)
24 [sdny/pr/former-honduran-congressman-tony-hernandez-sentenced-life-prison-and-ordered-forfeit](https://www.justice.gov/usao-sdny/pr/former-honduran-congressman-tony-hernandez-sentenced-life-prison-and-ordered-forfeit)).
25
26 Testimony and evidence in these and other cases further implicated the former Minister of Security
27 and Defense, the former leader of the ruling party in the Honduran Congress, multiple high-level
28

1 police, the former attorney general, and many others who served in the government under Hernández
2 and his post-coup predecessor, President Porfirio Lobo, including Lobo's National Director of
3 Police—a documented death squad also convicted in the Southern District of New York—and Lobo
4 himself.

5
6 17. The Honduran police have a long history of corruption predating the 2009 coup, but the
7 coup's aftermath dramatically accelerated their corruption. They are widely documented to be
8 involved in drug trafficking, organized crime, extortion, repression and murders of human rights and
9 land rights defenders, and many other crimes. Given the deep, pervasive, and continuing corruption
10 of the police, including their connections to gangs, organized crime, drug traffickers, assassins, and
11 other criminal activities, the Honduran police—at all levels—are unwilling and unable to provide
12 protection for the country's citizens. Worse, they are broadly established to be among the main
13 perpetrators of the violence and threats that Hondurans experience.

14
15 18. The Honduran military remain widely corrupt and dangerous to the country's citizens as
16 well. During the multiple trials of Hondurans in the Southern District of New York, extensive
17 evidence and testimony documented their involvement in drug trafficking and organized crime,
18 including by generals. They have committed widespread human rights violations with impunity,
19 including killing unarmed protesters and bystanders at demonstrations. Beginning in 2013,
20 Presidents Lobo and Hernández, as an ostensible answer to police corruption and escalating crime,
21 sent thousands of members of the military into the streets, in violation of the Honduran constitution,
22 to great outcry. (Frank, *The Long Honduran Night*.)

23
24 19. In this context, the activities, scope, and power of gangs proliferated dramatically post-coup.
25 The leading gangs control vast and shifting territories, along with less prominent gangs and
26 organized crime groups. They routinely extort small businesses and transport workers and
27 organizations in the cities and elsewhere. The victimization rate continues to grow, from 9% in 2021
28

1 to 11.6% in 2024. An estimated 300,000 households were extorted in 2024.¹ Those who refuse to
 2 pay the gangs are regularly killed. The gangs continue to contribute to “high levels of forced
 3 displacement,” according to the AFP, including both internal and external migrations.²

4
 5 20. Since her landslide election in November 2021, Center-Left President Xiomara Castro has
 6 made limited progress in addressing these issues. The current Supreme Court is largely not corrupt,
 7 and the new Attorney General is prosecuting some key cases. But her party, LIBRE, does not have a
 8 majority in Congress, which remains under the thumb of the pro-coup, rightwing traditional parties,
 9 the National Party and the Liberal Party, sharply limiting her power. Her efforts to improve the
 10 human rights situation remain limited.

11 21. President Castro has made significant efforts to clean up the police but the impact is
 12 apparently minimal. She has little control over the military. Following her predecessors, in 2022 she
 13 declared a state of siege, sending the military into the streets to take up domestic roles.³ She faces
 14 continuing criticism for doing so. The gangs’ destructive power continues to grow nonetheless.⁴

15
 16 22. Honduras faces mounting and dramatic challenges from climate change. It is one of the most
 17 at-risk countries in the world. The World Bank reports that “Honduras is highly vulnerable to climate
 18 change, including extreme natural events and slow onset events, such as increasing temperatures or
 19 forest degradation, which impact important economic sectors and society.”⁵

20
 21
 22 ¹ InSight Crime, *Extortion Rise in Honduras Signals Emergence of New Criminal Players*,
 InsightCrime.org (Dec. 18, 2024), <https://insightcrime.org/es/noticias/aumento-extorsion-honduras-sugiere-aparicion-nuevos-actores/>.

23 ² France 24, *Honduras Gang Violence Forces Thousands from Their Homes*, France24.com (Aug. 7,
 24 2024), <https://www.france24.com/en/live-news/20240807-honduras-gang-violence-forces-thousands-from-their-homes>

25 ³ ACLED, *Fighting Gangs Under the State of Exception in Honduras*, ACLEDDData.com (Dec. 5,
 2023), <https://acleddata.com/2023/12/05/fighting-gangs-under-the-state-of-exception-in-honduras/>

26 ⁴ InSight Crime, *Extortion Rise in Honduras Signals Emergence of New Criminal Players*,
 InsightCrime.org (Dec. 18, 2024), <https://insightcrime.org/news/extortion-rise-honduras-signals-emergence-new-criminal-players/>

27 ⁵ World Bank, *Honduras – Green Growth: Leading the Change We Need*, WorldBank.org,
 28 <https://www.worldbank.org/en/programs/lac-green-growth-leading-the-change-we-need/honduras>
 (last visited June 30, 2025).

23. Hurricanes regularly cause enormous damage in Honduras, and they are increasing in their intensity, range, and destructiveness. Hondurans were originally granted Temporary Protection Status in the aftermath of Hurricane Mitch in 1998, which killed 5,600 people in Honduras (of 14,000 total in Central America), and left 1.4 million people, or one-fifth of the nation's population, without homes. It devastated coffee and banana plantations and other crops, and destroyed two-thirds of the nation's roads and bridges.

24. Hurricanes and tropical storms continue to regularly, and with increasing frequency, devastate the country—wiping out agriculture, flooding homes and business, tearing apart roads and bridges. In 2020, Hurricanes Eta and Iota caused flash flooding, landslides, and other destruction. Six thousand houses were damaged, one thousand destroyed, and 88,000 people affected, especially in the Sula Valley, where government corruption contributed to inadequate water diversion and other infrastructure crises. Almost one-third of the nation's primary health facilities were affected.⁶ Most recently, in November 2024, Tropical Storm Sara, one of sixteen storms that hit that year, displaced 6,000 people, killing at least six.⁷ Rising temperatures, droughts, and flooding increasingly impact Hondurans. Fluctuations between extreme drought and increased rainfall are accelerating. Flooding and drought have had severe impacts on agricultural with ripple effects in rural areas. Subsistence farmers suffer from increasing food insecurity.

25. Deforestation further contributes to climate change and its negative impacts. “Between 2001 and 2023, Honduras lost almost a fifth of its forest cover,” according to Global Forest Watch.⁸

⁶ Int’l Fed’n of Red Cross & Red Crescent Soc’ys, *Central America: Hurricanes Eta & Iota – Final Report* (MDR43007), ReliefWeb (Nov. 24, 2020), <https://reliefweb.int/report/guatemala/central-america-hurricanes-eta-iota-final-report-mdr43007>.

⁷ ReliefWeb, *Tropical Storm Sara – Honduras* (TC-2024-000211-HND), ReliefWeb (Nov. 2024), <https://reliefweb.int/disaster/tc-2024-000211-hnd>.

⁸ Global Forest Watch, *Honduras Deforestation Rates & Statistics*, GlobalForestWatch.org, <https://www.globalforestwatch.org/dashboards/country/HND/?category=forest-change&lang=en> (last visited June 30, 2025).

Causes of deforestation include logging, mining, and changing agricultural practices.⁹ Deforestation, in turn, produces runoff, worsening the impact of hurricanes and other severe storms, in both rural and urban areas. Deforestation also impacts the water supply, already weakened by ageing infrastructure.

26. The Honduran economy, already providing limited livelihoods, worsened dramatically in the aftermath of the coup and the subsequent, deeply corrupt governments of Presidents Roberto Micheletti, Porfirio Lobo, and Juan Orlando Hernández. The public sector was decimated, producing tens of thousands of layoffs. Private sector investment dropped, and many in entrepreneurial class emigrated. The public health system was robbed by as much as \$90 million, and has not recovered since. (Frank, *The Long Honduran Night*.)

27. In 2024 an estimated 49% of Hondurans lived in poverty, according to the World Bank.¹⁰ Twenty-five percent of children under five suffer from chronic malnutrition. One in five children under five “still experience developmental delays due to malnutrition,” the United Nations World Food Programme reports.¹¹ Of the economically active population, almost half work in the precarious informal sector.¹²

IV. Conclusion

28. In sum, termination of Temporary Protection Status for Honduras would have a devastating impact on the families now in the United States, on the recipients of their remittances in Honduras,

⁹ FLEGT IMM, *Country Profile – Honduras*, FLEGTIMM.eu, <https://flegtimm.eu/country-profiles/honduras/#:~:text=Forest%20Resources&text=FAO%20estimated%20the%20total%20forest,highest%20rate%20in%20the%20Americas> (last visited June 30, 2025).

¹⁰ World Bank, *Honduras Overview*, WorldBank.org, <https://www.worldbank.org/en/country/honduras/overview> (last updated Apr. 23, 2025).

¹¹ World Food Programme, *Honduras*, WFP.org, <https://www.wfp.org/countries/honduras> (last visited June 30, 2025).

¹² Secretaría de Trabajo y Seguridad Social, *Informe del Mercado Laboral de Honduras 2021–2022*, trabajo.gob.hn, https://www.trabajo.gob.hn/wp-content/uploads/2023/06/INFORME-MERCADO-LABORAL_-JULIO-2022.pdf (last visited June 30, 2025).

1 and on the broader Honduran economy, which would suffer great damage. Honduran TPS holders
2 would face immediately precarious circumstances in Honduras, which offers few viable jobs, is rife
3 with organized crime and gang extortion, and regularly and increasingly experiences hurricanes,
4 tropical storms, droughts, and other climate impacts that affect wide swaths of both rural and urban
5 communities. The government has only weak power over a corrupt military and police.
6

7 I declare under penalty of perjury under the laws of the United States of America that the
8 foregoing is true and correct to the best of my knowledge.

9 Executed July 7, 2025 in Santa Cruz, California,
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13 _____
14 Dana Frank, Ph.D.
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